

Oct 5, 2022

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S.D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

22-20479-CR-MORENO/GOODMAN

Case No. _____

16 U.S.C. § 3372(d)

16 U.S.C. § 3373(d)(3)(A)

18 U.S.C. § 371

18 U.S.C. § 2

UNITED STATES OF AMERICA

v.

DAN Q. LIN, a/k/a "Wendy,"

JIU FA CHEN, a/k/a "AL-Min," and

AIFA SEAFOOD INC.,

Defendants.

INDICTMENT

The Grand Jury charges that:

GENERAL ALLEGAIONS

At all times relevant herein:

1. The Lacey Act, Title 16, United States Code, Sections 3371 et seq., made it unlawful for a person to knowingly make or submit any false record, account, or label for, or any false identification of, any fish or wildlife that had been or was intended to be imported, transported, purchased, or received from any foreign country, or transported in interstate or foreign commerce. 16 U.S.C. §§ 3372(d), 3373(d)(3).

2. The Lacey Act defines "wildlife" as "any wild animal, whether alive or dead, including without limitation any wild mammal, bird, reptile, amphibian, fish, mollusk, crustacean, arthropod, coelenterate, or other invertebrate, whether or not bred, hatched, or born in captivity, and includes any part, product, egg, or offspring thereof." 16 U.S.C. § 3371(a).

3. Title 18, United States Code, Section 554 made it unlawful for anyone to fraudulently or knowingly export or send from the United States, or attempt to export or send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States.

4. The State of Florida regulates the commercial harvest and sale of Spiny Lobster (*Panulirus argus*) within the state. Florida's Spiny Lobster commercial fishery is seasonal, open each August 6th through March 31st of the following year. Domestically harvested lobster can only be sold to the holder of a valid Florida wholesale dealer license as outlined in Florida Statute 379.362(1) and a Florida wholesale dealer can only sell and export domestically caught Florida Spiny Lobster after a season closure from inventory from the previous open season. As provided in Florida State Statute 379.245, upon closure of a lobster season, all lobster inventory on hand must be declared by the wholesale dealer to the State of Florida and inspected by a State of Florida official. Each sale and/or export of quantities of Florida Spiny Lobster during a closed season must be reported to the State and those quantities are deducted from the inventory held and previously inspected. During the seasonal closure, spiny lobster imported from outside the State must be declared 12 hours prior to its importation and the shipments/product must be inspected by the Florida Fish and Wildlife Conservation Commission (FWCC).

5. **DAN Q. LIN (LIN)** and **JIU FA CHEN (CHEN)** owned and operated **AIFA SEAFOOD INC. (AIFA)**, a Florida corporation with its principal place of business at 30 N.W. 12TH Street, Florida City, FL. **AIFA** was engaged in the purchase of live Spiny Lobster harvested in Florida and live Spiny Lobster imported in foreign commerce, which were subsequently exported in foreign commerce to markets in China.

6. **AIFA** obtained a Closed Season Crawfish dealer license for the 2018/2019 season [WD-188627] from the FWCC.

7. **LIN** and **Chen** were responsible for overseeing the daily operations of **AIFA**. They managed and directed employees of **AIFA** with respect to the packaging, labeling, transportation, and shipping of Spiny Lobster.

8. As part of the business activities of **AIFA**, during the Florida Spiny Lobster closed season, **LIN** and **CHEN** caused **AIFA** to purchase live Spiny Lobster from foreign countries to supplement **AIFA**'s available supply of Spiny Lobster.

9. Company A was a business operating from Port Au Prince, Haiti, which engaged in the sale and shipment of live Spiny Lobster from Haiti to MIA, consigned to **AIFA**.

10. During the relevant timeframe, the average retail market value of live Spiny Lobster was approximately \$35 per pound.

COUNT 1
Conspiracy
(18 U.S.C. § 371)

1. The General Allegations section of this Indictment is realleged and incorporated by reference herein, as though set forth in its entirety.

2. Beginning on or about May 16, 2019, and continuing up to and including on or about August 3, 2019, in Miami-Dade County, in the Southern District of Florida and elsewhere, the defendants,

DAN Q. LIN, a/k/a "Wendy,"
JIU FA CHEN, a/k/a "AL-Min," and
AIFA SEAFOOD INC.,

did willfully, that is with the intent to further the objects of the conspiracy, and knowingly combine, conspire, confederate, and agree with each other and other persons both known and unknown to the Grand Jury, to commit certain offenses against the United States, that is:

- a. to make and submit a false record, account, and label for, and a false identification of, any wildlife, that is, Spiny lobsters and any part, product, egg, or offspring thereof, which has been, and is intended to be transported in interstate and foreign commerce, in violation of 16 U.S.C. § 3372(d)(2); and
- b. to fraudulently and knowingly export and send from the United States any merchandise, article, and object contrary to any law and regulation of the United States, in violation of Title 18, United States Code, Section 554.

Objects of the Conspiracy

3. The purpose and objects of the conspiracy were for the defendants and their co-conspirators, known and unknown to the Grand Jury, to unjustly enrich themselves by exporting live foreign-origin Spiny Lobster from the United States to China falsely labelled as “Florida Spiny Lobsters, Product of U.S.A.”

Manner and Means of the Conspiracy

The manner and means by which the conspirators sought to accomplish the objects and purpose of the conspiracy included, among others, the following:

4. During the period extending from on or about May 16, 2019, through on or about August 3, 2019, **LIN, CHEN, and AIFA** purchased and imported five shipments of live Spiny Lobsters from Haiti through Miami International Airport (MIA).

5. **LIN, CHEN, and AIFA** caused the five shipments to be delivered by their employees to the business premises of **AIFA** in Florida City and placed in holding tanks.

6. After varying periods, the same surviving live Spiny Lobster from Haiti were repackaged for export to Hong Kong by air and delivered by **AIFA** employees to MIA.

7. **LIN, CHEN, and AIFA** provided an **AIFA** invoice describing each export shipment as “Live Florida Spiny Lobster” and each of the boxes in the shipments bore a label describing the contents as “Live Florida Spiny Lobster Product of USA.”

Overt Acts

In furtherance of the conspiracy, and to effect the objects and purpose thereof, there were committed and caused to be committed by at least one of the co-conspirators herein, within the Southern District of Florida and elsewhere, at least one of the following overt acts, among others:

1. On or about May 16, 2019, **AIFA** purchased and imported approximately 659 kg of live Spiny Lobster from Company A, located in Port Au Prince, Haiti, for \$11,800.
2. On or about May 17, 2019, **LIN** and **CHEN** directed their employees to package approximately 833 kg of live Spiny Lobster for international shipment.
3. On or about May 17, 2019, **LIN, CHEN, and AIFA** provided an invoice to accompany an export of approximately 833 kg of “LIVE FLORIDA LOBSTER” to Hong Kong.
4. On or about May 17, 2019, **LIN, CHEN, and AIFA** caused their employees to deliver approximately 833 kg of “LIVE FLORIDA LOBSTER” to MIA utilizing an **AIFA** cargo truck.
5. On or about May 30, 2019, approximately 557 kgs of live Spiny Lobster was imported from Haiti through MIA, consigned to **AIFA**.
6. On or about June 4, 2019, **AIFA** delivered 22 cases labelled as “LIVE FLORIDA SPINY LOBSTER PRODUCT OF USA” to MIA for export to China.
7. On or about June 19, 2019, approximately 681 kgs of live Spiny Lobster was imported from Haiti through MIA, consigned to **AIFA**.

8. On or about June 25, 2019, **AIFA** delivered 25 cases labelled as “LIVE FLORIDA SPINY LOBSTER PRODUCT OF USA” to MIA for export to China.

9. On or about July 3, 2019, **LIN, CHEN, and AIFA** caused an employee to pick-up a shipment of approximately 536 kgs of live Spiny Lobster imported from Haiti at MIA.

10. On or about July 9, 2019, **AIFA** delivered 21 cases containing approximately 473 kgs of live lobsters invoiced as “LIVE FLORIDA SPINY LOBSTER” to MIA for export to China.

11. On or about August 1, 2019, **LIN, CHEN, and AIFA** caused an employee to pick-up a shipment of approximately 454 kgs of live Spiny Lobster imported from Haiti at MIA.

12. On or about August 1, 2019, **AIFA** made a wire transfer of \$24,572.10 to Company A in Port Au Prince, Haiti.

13. On or about August 3, 2019, **AIFA** delivered 19 cases containing approximately 428 kgs of live lobsters labelled as “Live Florida Spiny Lobster Product of USA” to MIA for export to China.

All in violation of Title 18, United States Code, Section 371.

COUNTS 2 -6
False Labeling
(16 U.S.C. §§ 3372(d)(2), 3373(d)(3)(A))

1. The General Allegations section of this Indictment is re-alleged and incorporated by reference herein, as though set forth in its entirety.

2. On or about each of the dates in the table below, in Miami-Dade County, in the Southern District of Florida, and elsewhere, the defendants,

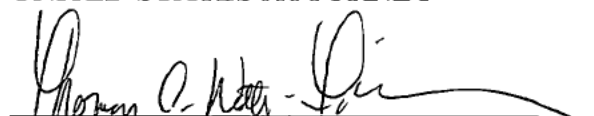
DAN Q. LIN, a/k/a “Wendy,”
JIU FA CHEN, a/k/a “AL-Min,” and
AIFA SEAFOOD INC.,

did knowingly make and submit, and cause to be made and submitted, a false record, account, and label for, and false identification of wildlife, as specified in the table below, in that the defendants caused invoices and labels accompanying exports of Spiny Lobster (*Panulirus argus*) from Miami, Florida to Hong Kong, China identifying the wildlife as "Live Florida Spiny Lobster" and "Live Florida Spiny Lobster Product of USA," when in truth and in fact, as the defendants then and there well knew, the wildlife was not the product of the State of Florida, said wildlife having been and intended to be transported in interstate and foreign commerce:

COUNT	OFFENSE DATE	Approximate Quantity	Declared Invoice Value
2	5/17/2019	833 kgs	\$16,799.50
3	6/4/2019	495 kgs	\$13,557.50
4	6/25/2019	453 kgs	\$11,337.50
5	7/9/2019	473 kgs	\$9,523.50
6	8/3/2019	428 kgs	\$8,400.00

In violation of Title 16, United States Code, Sections 3372(d)(2) and 3373(d)(3)(A), and Title 18, United States Code, Section 2.


 JUAN ANTONIO GONZALEZ
 UNITED STATES ATTORNEY


 Thomas A. Watts-FitzGerald
 Assistant United States Attorney

A TRUE BILL

FOREPERSON

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

UNITED STATES OF AMERICA

CASE NO.:

v.

DAN Q. LIN, a/k/a "Wendy,"
JIU FA CHEN, a/k/a "AL-Min," and
AIFA SEAFOOD INC., _____/

CERTIFICATE OF TRIAL ATTORNEY***Superseding Case Information:**

Defendants.
Court Division (select one)

<input checked="" type="checkbox"/> Miami	<input type="checkbox"/> Key West	<input type="checkbox"/> FTP
<input type="checkbox"/> FTL	<input type="checkbox"/> WPB	

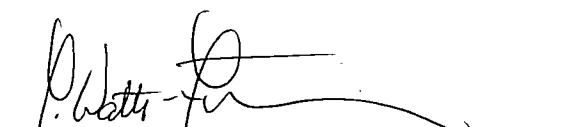
New Defendant(s) (Yes or No)
Number of New Defendants
Total number of New Counts

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.
2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. §3161.
3. Interpreter: (Yes or No) Yes
List language and/or dialect: Chinese Mandarin
4. This case will take 5 days for the parties to try.
5. Please check appropriate category and type of offense listed below:

(Check only one)	(Check only one)
I <input checked="" type="checkbox"/> 0 to 5 days	<input type="checkbox"/> Petty
II <input type="checkbox"/> 6 to 10 days	<input type="checkbox"/> Minor
III <input type="checkbox"/> 11 to 20 days	<input type="checkbox"/> Misdemeanor
IV <input type="checkbox"/> 21 to 60 days	<input checked="" type="checkbox"/> Felony
V <input type="checkbox"/> 61 days and over	
6. Has this case been previously filed in this District Court? (Yes or No) No
If yes, Judge _____ Case No. _____
7. Has a complaint been filed in this matter? (Yes or No) No
If yes, Magistrate Case No. _____
8. Does this case relate to a previously filed matter in this District Court? (Yes or No) No
If yes, Judge _____ Case No. _____
9. Defendant(s) in federal custody as of _____
10. Defendant(s) in state custody as of _____
11. Rule 20 from the _____ District of _____
12. Is this a potential death penalty case? (Yes or No) No
13. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard? (Yes or No) No
14. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to October 3, 2019 (Mag. Judge Jared Strauss? (Yes or No) No

By: _____


Thomas Watts-FitzGerald
Assistant United States Attorney
FLA Bar No. 0273538

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: DAN Q. LIN, a/k/a 'Wendy'

Case No: _____

Count(s) #: 1

Conspiracy

Title 18, United States Code, Section 371

- * **Max. Term of Imprisonment: 5 Years Imprisonment**
- * **Mandatory Min. Term of Imprisonment (if applicable): N/A**
- * **Max. Supervised Release: 3 Years**
- * **Max. Fine: Greater of \$250,000 or twice the pecuniary gain/loss**

Count(s) #: 2-6

Making False Records

Title 16, United States Code, Section 3372(d) ; 3373(d)(3)(A)

- * **Max. Term of Imprisonment: 5 Years Imprisonment**
- * **Mandatory Min. Term of Imprisonment (if applicable): N/A**
- * **Max. Supervised Release: 3 Years**
- * **Max. Fine: Greater of \$250,000 or twice the pecuniary gain/loss**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: JIU FA CHEN, a/k/a 'AL-Min'

Case No: _____

Count(s) #: 1

Conspiracy

Title 18, United States Code, Section 371

- * **Max. Term of Imprisonment: 5 Years Imprisonment**
- * **Mandatory Min. Term of Imprisonment (if applicable): N/A**
- * **Max. Supervised Release: 3 Years**
- * **Max. Fine: Greater of \$250,000 or twice the pecuniary gain/loss**

Count(s) #: 2-6

Making False Records

Title 16, United States Code, Section 3372(d) ; 3373(d)(3)(A)

- * **Max. Term of Imprisonment: 5 Years Imprisonment**
- * **Mandatory Min. Term of Imprisonment (if applicable): N/A**
- * **Max. Supervised Release: 3 Years**
- * **Max. Fine: Greater of \$250,000 or twice the pecuniary gain/loss**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

Defendant's Name: AIFA SEAFOOD INC.

Case No: _____

Count(s) #: 1

Conspiracy

Title 18, United States Code, Section 371

- * **Max. Term of Imprisonment:** N/A
- * **Mandatory Min. Term of Imprisonment (if applicable):** N/A
- * **Max. Probation:** 5 Years
- * **Max. Fine:** Greater of \$500,000 or twice the pecuniary gain/loss

Count(s) #: 2-6

Making False Records

Title 16, United States Code, Section 3372(d) ; 3373(d)(3)(A)

- * **Max. Term of Imprisonment:** N/A
- * **Mandatory Min. Term of Imprisonment (if applicable):** N/A
- * **Max. Probation:** 5 Years
- * **Max. Fine:** Greater of \$500,000 or twice the pecuniary gain/loss